

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORMA NAVA PEREZ, :
Plaintiff, : 18-CV-10212 (OTW)
-against- : **ORDER**
KARAYIANNIS GLOBAL GROUP, INC., et al., :
Defendants. :
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ONA T. WANG, United States Magistrate Judge:

On April 8, 2021, the Court declined to approve the proposed settlement agreement (ECF 47) under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (ECF 51). The Court found the following issues with the proposed settlement agreement: (1) the attorneys' fees were unreasonable; (2) the parties did not provide any information about whether the proposed settlement was the product of arm's length-bargaining between experienced counsel; (3) the parties did not provide any information whether there was a risk of fraud or collusion; and (4) the proposed settlement had a non-disparagement and confidentiality clause, which conflicts with the purposes of the Fair Labor Standards Act. The parties filed a revised proposed settlement agreement on April 22, 2021. (ECF 52, 52-1).

Upon review of the proposed settlement agreement (ECF 52-1), I found that it is consistent with *Cheeks* and **APPROVED** the proposed settlement. (ECF 53). However, the parties neglected to file a fully executed settlement agreement. The parties were ordered to sign and file the proposed settlement agreement on **six separate** occasions. (ECF 53, 55, 57, 61, 62, 64). It was only under threat of striking Defendants' Answer and entering a default against

them that the parties were able to sign and file the fully executed settlement agreement. (ECF 64, 67).

The settlement is approved under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and the Clerk of Court is respectfully directed to the close the case.

SO ORDERED.

Dated: February 22, 2022
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge